

REMARKS/ARGUMENTS

Claims 72-149 are pending. Claims 124-142 are allowed. Claims 72, 102, and 143-145 have been amended as set forth in detail below. No new matter is added by these amendments. Examination and reconsideration of claims 72-123 and 143-149 are respectfully requested.

Examiner Interview

Applicants thank the Examiner for the interview of July 29, 2005, with Mark Barrish and William Revelos, during which issues pertaining to the cited art and potential amendments to the claims were discussed. Applicants demonstrated deployment of an exemplary device, and discussed the components of the exemplary structure. No final agreement was reached during the interview.

Information Disclosure Statement

Applicants submit herewith a Third Supplemental Information Disclosure Statement together with copies of the non-patent literature documents which were previously cited in the December 28, 2004 IDS, but not considered by the Examiner.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 143 and 145 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that there is insufficient antecedent basis for the limitation "the connector member" in claims 143 and 145.

Claim 143 has been amended to change the dependency of this claim from claim 72 to claim 144, which recites "a connector member."

Claim 145 has been amended to delete the reference to the connector member. Claim 145 now recites that "the distal ends of the cantilevered connector member elements define a distal end of the radially expandable stent."

In view of these amendments, the present rejection of claims 143 and 145 under 35 U.S.C. § 112, second paragraph, is obviated. Withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 102, 103, 106-108, 111-118, and 122-123 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Marin (US 5,397,355). The Examiner contends that Marin anticipates the claim language where the barbs as claimed are the barb (18) of Marin, and the tuck pads as claimed are the collinear barbs [sic] (16) and ribs (14) that hold and conceal the barb prior to deployment."

Claims 102, 103, and 107-119 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Pollock *et al.* (US 6,517,573). The Examiner asserts that Pollock anticipates the claim language where the barb tuck pad as claimed is met by the frame (22) of Pollock, the barb as claimed is the hook with pointed end (26) and the struts as claimed are the frame elements (34).

While not agreeing with nor acquiescing to the Examiner's rejections nor reasons for rejection, but in order to further expedite prosecution of the instant application, Applicants have amended independent claim 102. Claim 102 has been amended to recite "wherein the one or more barbs are tucked under the one or more tuck pads ~~configured to retain the one or more barbs~~ when the radially expandable stent is in a delivery configuration." Neither Marin nor

Pollock shows one or more barbs "tucked under one or more tuck pads" as presently recited in claim 102 as amended. Accordingly, Marin and Pollock do not anticipate claim 102 as amended, nor do these reference anticipate claims 103, 106-108, 111-118, and 122-123 depending directly or indirectly from claim 102. Withdrawal of the rejections is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Brown *et al.* in view of Marcade , Chuter, or Robinson *et al.*

Claims 72-75, 78-82, 85-90, 92-96, 99, and 143-149 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Brown *et al.* (US2004/0088044) in view of Marcade (US 5,676,696) or Chuter (US 5,693,084) or Robinson *et al.* (US 5,733,325). The Examiner states that Brown discloses a stent where the number of apices in any particular ring can vary such that there are approximately two struts for every one in an adjacent ring. The Examiner also asserts that Marcade, Chuter, and Robinson "teach that it was known to put cantilevered connector elements on similar stent[s] in the art to better secure them to adjacent tissue."

While not agreeing with nor acquiescing to the Examiner's rejection nor reasons for rejection, but in order to further expedite prosecution of the instant application, Applicants have amended independent claim 72. Claim 72 has been amended to recite "wherein each of the cantilevered connector elements is affixed to an associated cantilevered connector element." None of the cited references teach or suggest a cantilevered connector element affixed to an associated cantilevered connector element as presently recited in claim 72. Accordingly, Applicants submit that claim 72, and all claims depending directly or indirectly therefrom, are patentable over Brown *et al.* in view of Marcade , Chuter, or Robinson *et al.* Withdrawal of the rejection is respectfully requested.

Brown *et al.* in view of Marcade , Chuter, or Robinson *et al.* and in further view of Wu *et al.* or Marin

Claim 91 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Brown, Marcade, Robinson, and Chuter as applied to claims 72-75, 78-82, 85-90, 92-96, 99, and 143-149, in further view of Wu *et al.* (US 6,254,632).

Claims 76 and 77 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Brown, Marcade, Chuter, and Robinson, as applied to claims 72-75, 78-82, 85-90, 92-96, 99, and 143-149, in further view of Marin (US 5,397,355).

Applicants believe these rejections to be obviated by the present amendments to claim 72, from which claims 76, 77, and 91 directly or indirectly depend. Because independent claim 72 is patentable for the reasons set forth above, claims 76, 77, and 91 should also be patentable. Withdrawal of the present rejections is respectfully requested.

Marin

Claims 104 and 105 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Marin (US 5,397,355) alone. Applicants believe this rejection is obviated by the present amendments to claim 102, from which claims 104 and 105 depend. Because independent claim 102 is patentable for the reasons set forth above, claims 104 and 105 should also be patentable. Withdrawal of the present rejection is respectfully requested.

Allowable Subject Matter

Claims 83, 84, 97, 98, 100, 101, 120, and 121 stand objected to as being dependent upon a rejected base claim, the Examiner indicating that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 83, 84, 97, 98, 100, 101, 120, and 121 all depend either from independent claim 72 or independent claim 102, which Applicants believe to be allowable over the cited art for the reasons set forth hereinabove. Accordingly, Applicants submit that dependent claims 83, 84, 97, 98, 100, 101, 120, and 121 should also be allowable in their present form. Applicants therefore decline at the present time to rewrite these claims into independent form and respectfully request withdrawal of the objection.

Other Claim Amendments


Applicants have amended claim 144 for clarity in view of independent claim 102 as currently amended. Claim 144 now recites "~~wherein the n connector elements are coupled to~~ associated cantilevered connector elements ~~[[of]]~~ extend proximally from a connector member disposed distally to the n distal apices."

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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